



Our reference: RQ19/02835  
Agency reference: CRM2020/156

**Mr Tim Norton**

By email: [foi+request-5609-8a19acaf@righttoknow.org.au](mailto:foi+request-5609-8a19acaf@righttoknow.org.au)

**Extension of time under s 15AB**

Dear Mr Norton

On 27 October 2019, the Australian Federal Police (AFP) applied to the Office of the Australian Information Commissioner (the OAIC) for further time to make a decision on your FOI request of 30 August 2019 under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

This application was on the basis that the processing period is insufficient to deal adequately with your request because it is complex.

The AFP previously obtained your agreement under s 15AA of the FOI Act for an extension of time of 30 days to 29 October 2019.

**Decision**

As a delegate of the Information Commissioner, I am authorised to make decisions on applications for extensions of time under s 15AB of the FOI Act.

I have decided to grant the AFP an extension of time of 21 days under s 15AB(2) of the FOI Act **to 19 November 2019**. I am satisfied that the AFP's application for an extension of time is justified, because your request is complex. My reasons include:

- the FOI request was broad
- a number of line areas were required to undertake search and retrieval for documents within the scope of your request
- the searches undertaken by those line areas, identified that searches needed to be conducted by further line areas, and
- the AFP has contacted you to make you aware of this request for an extension of time and to apologise for the delay.

## Contact

If you have any questions about this email, please contact me on (02) 9284 9721 or by email [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au). In all correspondence please include OAIC reference RQ19/02835.

Yours sincerely



**Shelley Napper**

Review and Investigation Adviser (Legal)  
Freedom of Information Dispute Resolution

7 November 2019

## Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information, or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

## Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

[For FOI applicants – How to make an FOI request: Extensions of time](#)

[For agencies and ministers – Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the **[online FOI complaint form](#)** if at all possible.

Further information about how to make a complaint can be found published on our website: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.